

EXHIBIT 1

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

COALITION FOR TJ,

Plaintiff,

v.

FAIRFAX COUNTY SCHOOL BOARD,

Defendant.

No. 1:21-cv-00296-CMH-JFA

**PLAINTIFF'S OBJECTIONS AND ANSWERS TO DEFENDANT'S
FIRST SET OF INTERROGATORIES**

PRELIMINARY STATEMENT

Plaintiff Coalition for TJ has not yet fully completed the investigation of the facts relating to this case and has not yet fully completed discovery in this action. Plaintiff's objections herein are based upon information and documents currently known to Plaintiff. Further discovery, independent investigation, legal research, and analysis may supply additional facts and lead to additions, changes, and variations from the answers herein.

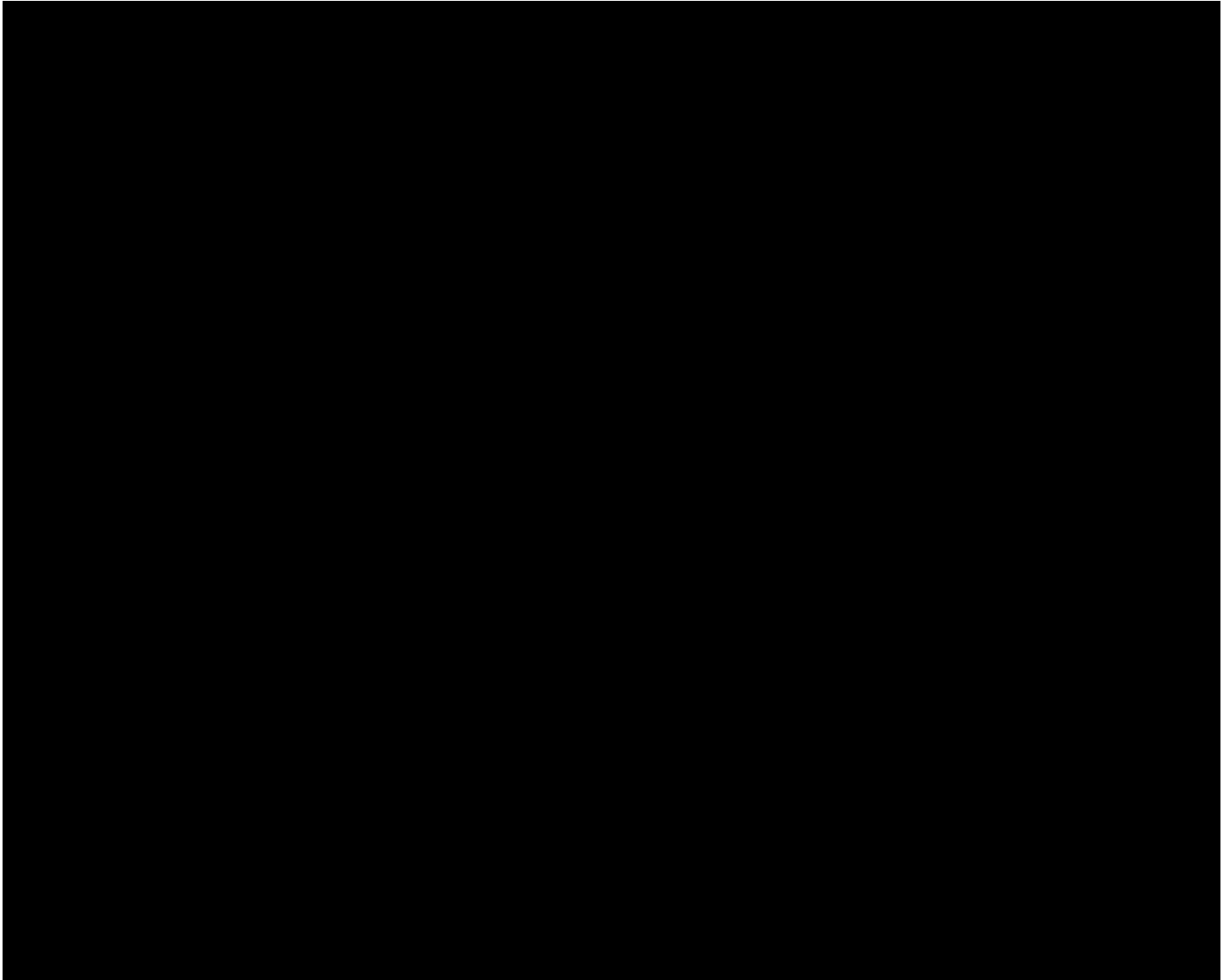
The following objections are given without prejudice to the right to produce evidence or witnesses that Plaintiff may later discover. Plaintiff accordingly reserves the right to change any and all objections herein as additional facts are ascertained, witnesses are identified, and legal research is completed. The objections contained herein are made in good faith and in an effort to supply as much factual information and as much specification of legal contention as is presently known, and should in no way prejudice Plaintiff in relation to further discovery and proceedings. Plaintiff does not waive, and expressly reserves, its right to object to the relevance and admissibility of any document or other evidence for use at trial.

EXHIBIT 1

Plaintiff objects generally to Defendant's Interrogatories to the extent that they seek to impose obligations beyond the Federal Rules of Civil Procedure and Local Rules.

SPECIFIC OBJECTIONS

INTERROGATORY NO. 1:



INTERROGATORY NO. 2:

For every member of the School Board whom you contend voted to change the admissions policy for TJ in order to discriminate against Asian students, state all facts that support your

contention. Answer separately for each School Board member. If you base your answer on an oral or written statement by the School Board member, provide the date and time of the statement, a verbatim transcription of the statement, and identify all documents where the statement is memorialized.

PLAINTIFF'S OBJECTION:

Plaintiff objects to this interrogatory to the extent it seeks information in the possession of third parties, as Plaintiff does not have knowledge or possession of and cannot identify "all facts" related to the subject of this interrogatory. This interrogatory also seeks information that is in the public domain or is equally available to Defendant. Plaintiff also objects to the request that it provide a "verbatim transcription" of each statement as overly burdensome and as beyond Plaintiff's obligations under the Federal Rules of Civil Procedure and Local Rules.

PLAINTIFF'S ANSWER:

Subject to and without waiving the foregoing objections, Plaintiff answers as follows:

All School Board members voted to eliminate the nationally-normed, standardized TJ admissions exam after attending meetings at which Superintendent Brabrand, TJ Principal Bonitatibus, and certain School Board members made statements supporting racial proportionality at TJ and showing intent to discriminate against Asian-American students during the TJ admissions process in order to achieve the desired racial proportionality.

School Board members Omeish, Frisch, Keys-Gamarra, Sizemore, Heizer, Tholen, Meren, Derenak Kaufax, Corbett Saunders, Cohen, and Pekarsky voted to adopt the 1.5% middle school limitation after attending meetings at which Superintendent Brabrand, TJ Principal Bonitatibus, and certain School Board members made statements supporting racial proportionality at TJ and showing intent to discrimination against Asian-American students during the TJ admissions

EXHIBIT 1

process in order to achieve the desired racial proportionality.

School Board member Keys-Gamarra made statements at the September 15, 2020, School Board work session regarding the unanimous view of attendees at the Virginia Governor's School working group session on diversity, equity, and inclusion that schools like TJ had an unhealthy culture. Compl. ¶ 45. At the October 6, 2020, School Board work session, School Board member Keys-Gamarra remarked on her colleagues' discriminatory language directed towards Asian-American families, warning them to be "cognizant of how demeaning these types of comments are and that many people consider these comments to be rooted in racism." Compl. ¶ 47. School Board member Keys-Gamarra's statements are also cited in Pltf.'s Mot. for Preliminary Injunction at 14-15, Pltf.'s Reply in support of Preliminary Injunction at 11, and Pltf.'s Opposition to Motion to Dismiss at 18-20.

School Board member Meren described TJ's majority Asian-American culture as "toxic" for Black students at the September 15, 2020, School Board work session. Compl. ¶ 45. Her statement is also cited in Pltf.'s Mot. for Preliminary Injunction at 14; Pltf.'s Opposition to Motion to Dismiss at 19.

School Board member Omeish made statements at the October 6, 2020, School Board work session showing her belief in the importance of TJ having "representation" that is "proportional to the population numbers" of Fairfax County. Compl. ¶ 46. Her statements are also cited in Pltf.'s Mot. for Preliminary Injunction at 15; Pltf.'s Opposition to Motion to Dismiss at 20.

School Board member Frisch made statements at the September 15, 2020, School Board work session expressing unhappiness with TJ's majority Asian-American culture. Compl. ¶ 45. His statements are also cited in Pltf.'s Mot. for Preliminary Injunction at 14; Pltf.'s Opposition to Motion to Dismiss at 19.

EXHIBIT 1

School Board member Anderson made statements at the October 6, 2020, School Board work session showing her belief that the nationally-normed, standardized TJ admissions test by which Asian-American students earned their places at TJ was biased and resulted in the presence at TJ of “students who have been [in] Test Prep since second grade.” Compl. ¶ 47. Her statements are also cited in Pltf.’s Mot. for Preliminary Injunction at 15; Pltf.’s Opposition to Motion to Dismiss at 20, 22.

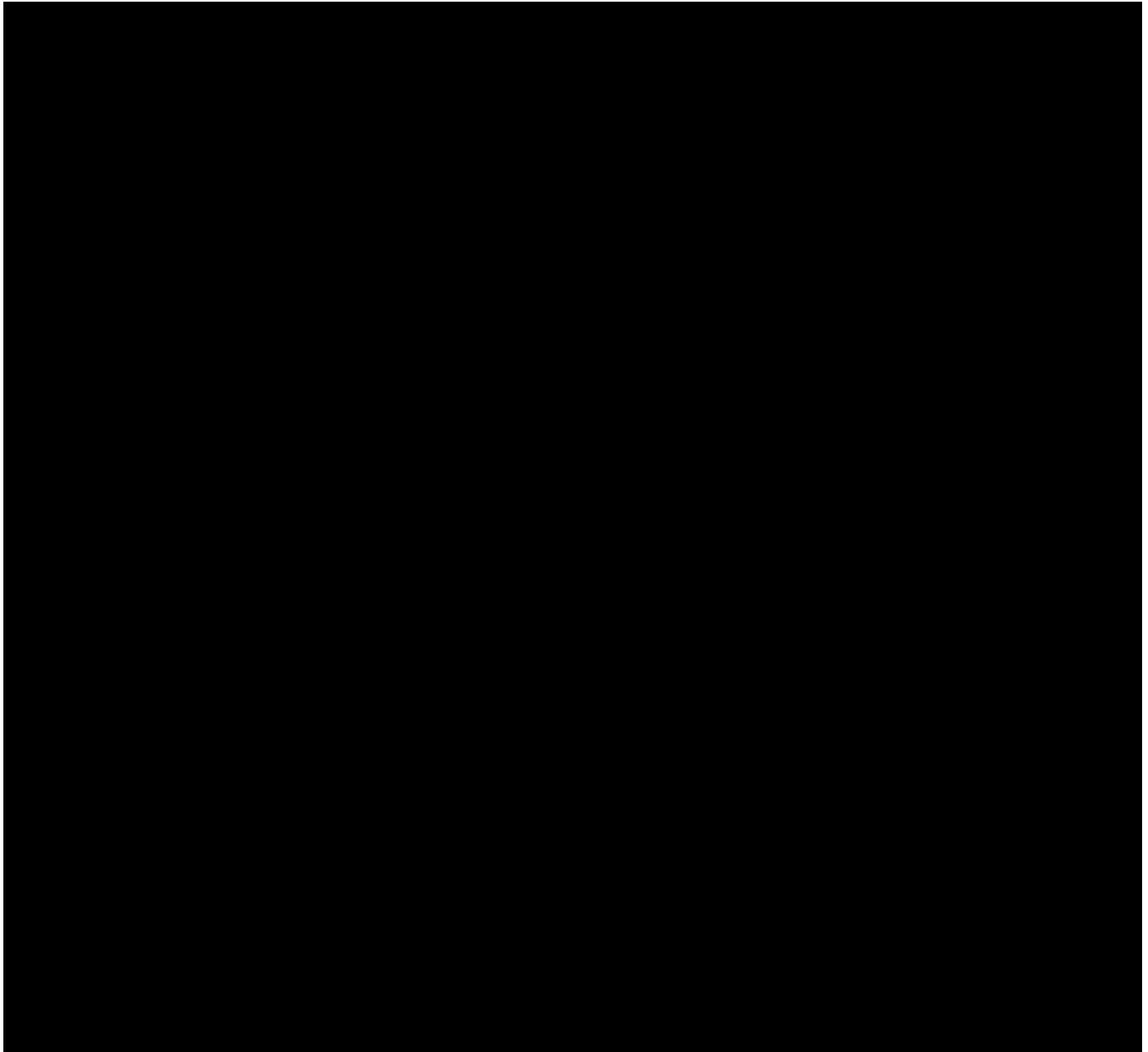


EXHIBIT 1



Dated: July 12, 2021.

Respectfully submitted,

ERIN E. WILCOX*,
Cal. Bar No. 337427
CHRISTOPHER M. KIESER*,
Cal. Bar No. 298486
Pacific Legal Foundation
930 G Street
Sacramento, California 95814
Telephone: (916) 419-7111
Facsimile: (916) 419-7747
EWilcox@pacificlegal.org
CKieser@pacificlegal.org

**Pro Hac Vice*

s/ Alison E. Somin
ALISON E. SOMIN, Va. Bar No. 79027
Pacific Legal Foundation
3100 Clarendon Blvd., Suite 610
Arlington, Virginia 22201
Telephone: (202) 557-0202
Facsimile: (916) 419-7747
ASomin@pacificlegal.org

GLENN E. ROPER*,
Colo. Bar No. 38723
Pacific Legal Foundation
1745 Shea Center Dr., Suite 400
Highlands Ranch, Colorado 80129
Telephone: (916) 503-9045
Facsimile: (916) 419-7747
GERoper@pacificlegal.org

Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of July, 2021, I caused a copy of the foregoing to be delivered by electronic mail to the following counsel for Defendant:

Stuart A. Raphael, Va. Bar No. 30380
Sona Rewari, Va. Bar No. 47327
Hunton Andrews Kurth LLP
2200 Pennsylvania Ave., N.W.
Washington, D.C. 20037
Telephone: (202) 955-1500
Facsimile: (202) 778-2201
sraphael@HuntonAK.com

EXHIBIT 1

srewari@HuntonAK.com

s/ Alison E. Somin
ALISON E. SOMIN, Va. Bar No. 79027
Pacific Legal Foundation
3100 Clarendon Blvd., Suite 610
Arlington, Virginia 22201
Telephone: (202) 557-0202
Facsimile: (916) 419-7747
ASomin@pacificlegal.org
Counsel for Plaintiff

EXHIBIT 1

VERIFICATION

I, Glenn S. Miller, hereby declare as follows:

1. I have read PLAINTIFF'S OBJECTIONS AND ANSWERS TO DEFENDANT'S FIRST SET OF INTERROGATORIES and know its contents.
2. I am informed and believe that the matters stated therein are true and correct. On that ground, I declare under penalty of perjury, under the law of the State of Virginia, that the same are true and correct.

Executed this 9th day of July, 2021.

Glenn S. Miller